

**§ 1214.107**

delays. Such delays will normally be requested just prior to launch. Except for potential optional service charges, delays up to 72 hours can normally be accommodated at no charge. This 72-hour period is shared by all customers on a particular flight. The basis of proration will be established in the launch agreement. Delays beyond 72 hours will require NASA's approval and will result in an additional charge as established in the launch agreement.

**§ 1214.107 Postponement.**

(a) Provisions of this paragraph apply to postponements requested or caused by the customer.

(b) A customer postponing the flight of a payload will pay a postponement fee to NASA. The fee will be computed as a percentage of the customer's Shuttle standard flight price and will be based on the table below.

| Months before scheduled launch date when postponement occurs | Postponement fee, percent of standard flight price |                |
|--|--|----------------|
|  | Dedicated flights                                  | Shared flights |
| More than 33 .....   | 0  | 0              |
| 18 or more but less than or equal to 33 .....                |  |                |
| —1st postponement .....                                      | 0  | 0              |
| —2nd and subsequent .....                                    | 5  | 5              |
| 17 or more but less than 18 .....                            | 6  | 9              |
| 16 or more but less than 17 .....                            | 7  | 13             |
| 15 or more but less than 16 .....                            | 8  | 17             |
| 14 or more but less than 15 .....                            | 10   | 20             |
| 13 or more but less than 14 .....                            | 11   | 24             |
| 12 or more but less than 13 .....                            | 12   | 28             |
| 11 or more but less than 12 .....                            | 13   | 32             |
| 10 or more but less than 11 .....                            | 14   | 36             |
| 9 or more but less than 10 .....                             | 15   | 40             |
| 8 or more but less than 9 .....                              | 17   | 43             |
| 7 or more but less than 8 .....                              | 18   | 47             |
| 6 or more but less than 7 .....                              | 19   | 51             |
| Less than 6 .....  | 20   | 55             |

(c) If at any point, a customer postponement results in a launch date more than 12 months later than the original scheduled launch date, the standard flight price for the customer's payload may be adjusted by NASA to reflect any new standard flight price applicable at the time of the postponed launch, if such new price is higher than the originally contracted price.

(d) The payment schedule for postponed flights will be as defined in § 1214.103(h)(2).

(e) Customers postponing the flight of a payload may also be subject to new

**14 CFR Ch. V (1-1-13 Edition)**

or additional charges for optional services.

**§ 1214.108 Termination.**

(a) Customers terminating the launch of a payload will pay a termination fee for standard services to NASA.

(1) The termination fee for dedicated flights will be computed as a percentage of the Shuttle standard flight price and will be based on the table below.

| Months before scheduled launch date when termination occurs | Termination fee, percent of Shuttle standard flight price |
|---|---|
| 18 or more .....  | 10  |
| 17 or more but less than 18 .....                           | 11  |
| 16 or more but less than 17 .....                           | 12  |
| 15 or more but less than 16 .....                           | 13  |
| 14 or more but less than 15 .....                           | 15  |
| 13 or more but less than 14 .....                           | 16  |
| 12 or more but less than 13 .....                           | 17  |
| 11 or more but less than 12 .....                           | 18  |
| 10 or more but less than 11 .....                           | 19  |
| 9 or more but less than 10 .....                            | 20  |
| 8 or more but less than 9 .....                             | 22  |
| 7 or more but less than 8 .....                             | 23  |
| 6 or more but less than 7 .....                             | 24  |
| Less than 6 .....   | 25  |

(2) The termination fee for shared flights will be the sum of all payments previously paid or due for the standard flight price, as defined in § 1214.103(h)(2), at the time of termination.

(b) NASA may establish, in the launch agreement, certain conditions under which the customer may terminate a payload launch with reduced termination fees if NASA delays the launch of the customer's payload for an extended period.

(c) Customers terminating the flight of a payload may also be subject to new or additional charges for optional services.

**§ 1214.109 Scheduling.**

(a) *Establishment of a launch date.* (1) NASA will assign a tentative launch date for a payload only after NASA's receipt, review and acceptance of a customer-submitted NASA Form 1628 requesting flight assignment and NASA's receipt of the customer's earnest money.

(2) NASA's confirmation of a particular launch date will be at the time a launch services agreement is signed, normally not later than 36 months prior to the desired launch date.